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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,515	12/18/2001	William E. Weblor	ACS-60271 (2168P)	6307
24201 7590 06/11/2009 FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045				
EXAMINER LEUBECKER, JOHN P				
ART UNIT		PAPER NUMBER		
3739				
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06/11/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Response to Rule 312 Communication****Application No.**

10/025,515

**Applicant(s)**

WEBLER ET AL.

**Examiner**

John P. Leubecker

**Art Unit**

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 14 May 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

According to MPEP 1214.06 (II), the Examiner correctly canceled all claims except for claim 35, which was allowed prior to appeal. The application was concurrently allowed and prosecution was otherwise closed. The amendment is being disapproved for the following reasons:

a) A canceled claim can be reinstated ONLY by a subsequent amendment presenting the claim as a new claim with a new claim number. The claim numbers in Applicant's amendment are those of canceled claims.

b) Amendments filed under 37 CFR 1.312 should require no substantial amount of work on the part of the Office. Applicant attempts to insert dependent claims in addition to the two "objected to" claims which were put in independent form. Since the two new independent claims are of slightly different scope, more than a cursory review of any dependent claims would have to be performed. This will not be done since prosecution is closed.

- c) Applicant's remarks do not fully and clearly show:
- why the amendment is needed;
  - why the proposed new claims require no additional search or examination;
  - why the claims are patentable; and
  - why they were not presented earlier.

/John P. Leubecker/  
Primary Examiner  
Art Unit: 3739